

Last revised 8/1/15

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In Re:

Luis A. & Maria A. Rodriguez

Case No.:

16-29409

Judge:

RG

Chapter:

13

Debtor(s)

Chapter 13 Plan and Motions

☒ Original

☐ Modified/Notice Required

☒ Discharge Sought

☒ Motions Included

☐ Modified/No Notice Required

☐ No Discharge Sought

Date: 10/13/2016

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 1,200.00 per Month to the Chapter 13 Trustee, starting on November 1, 2016 for approximately 60 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property:

Description:

Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Dean G. Sutton, Esq.	Administrative Expenses	\$2,368.00 unless a different amount is ordered by this Court. The amount to be paid will then be governed by Order of this Court.

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

e. Secured Claims to be Paid in Full Through the Plan:

Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ _____ to be distributed *pro rata*
- ☒ Not less than _____ 100 percent
- ☐ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis For Separate Classification	Treatment	Amount to be Paid

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
LVNV Funding, LLC	29 Madison Ave. Patterson, NJ	Judicial	\$2,591.91	\$169,000.00	Full Value of Exemption		Full Amount of All Liens/Claims
PYOD, LLC		Judicial	\$2,001.00				
Midland Funding, LLC		Judicial	\$12,548.00				
FIA Card Services, NA		Judicial	\$12,827.00				
FIA Card Services, NA		Judicial	\$5,023.00				
FIA Card Services, NA		Judicial	\$10,289.00				
FIA Card Services, NA		Judicial	13,131.00				

b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- | | |
|----------------------------|---------------------------------------|
| 1) Trustee commissions | |
| 2) <u>DSO Obligations</u> | 5) <u>Secured Claims</u> |
| 3) <u>Attorney Fees</u> | 6) <u>Priority Claims</u> |
| 4) <u>Lease Arrearages</u> | 7) <u>General Unsecured Creditors</u> |

d. Post-Petition Claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: _____.

Explain below **why** the plan is being modified:

Explain below **how** the plan is being modified:

Are Schedules I and J being filed simultaneously with this Modified Plan?

☐ Yes ☐ No

Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: _____

/s/Dean G. Sutton

Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: _____

/s/Luis A. Rodriguez

Debtor

Date: _____

/s/Maria A. Rodriguez

Joint Debtor

Certificate of Notice Page 8 of 8
 United States Bankruptcy Court
 District of New Jersey

In re:
 Luis Alberto Rodriguez
 Maria Auxiliadora Rodriguez
 Debtors

Case No. 16-29409-RG
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
 Form ID: pdf901

Page 1 of 1
 Total Noticed: 14

Date Rcvd: Nov 29, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 01, 2016.

db/jdb	+Luis Alberto Rodriguez, Maria Auxiliadora Rodriguez, 29 Madison Avenue, Paterson, NJ 07524-1311
516510451	American Express Centurion Bank, c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
516440890	+Amerifinancial Solutio, Po Box 7, Vassar, MI 48768-0007
516440891	++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285
	(address filed with court: Capital One Bank Usa N, Po Box 85015, Richmond, VA 23285)
516440892	+FIA Card Services NA, Zwicker & Associates, PC, 1101 Laurel Oak Road, Voorhees, NJ 08043-4322
516440893	+FIA Card Services, NA, Goldman & Warshaw, PC, 34 Maple Avenue, Suite 101, Pine Brook, NJ 07058-9394
516440895	+FIA Card Services, NA, Nudelman, Klemm & Golub, PC, 425 Eagle Rock Avenue, Roseland, NJ 07068-1787
516440894	+FIA Card Services, NA, Forster, Garbus & Garbus, 7 Banta Place, Hackensack, NJ 07601-5604
516440896	+LVNV Funding, LLC, Faloni & Associates, 165 Passaic Avenue, Suite 301B, Fairfield, NJ 07004-3592
516440897	+Midland Funding, LLC, Pressler & Pressler, 7 Entin Road, Parsippany, NJ 07054-5020
516440898	+PYOD, LLC, Faloni & Associates, 165 Passaic Avenue, Suite 301B, Fairfield, NJ 07004-3592

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg	E-mail/Text: usanj.njbankr@usdoj.gov Nov 29 2016 23:15:27 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
smg	+E-mail/Text: ustpreregion03.ne.ecf@usdoj.gov Nov 29 2016 23:15:25 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
516444980	+E-mail/Text: bankruptcy@cavps.com Nov 29 2016 23:15:40 Cavalry SPV I, LLC, 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-1340

TOTAL: 3

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 01, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 22, 2016 at the address(es) listed below:

Dean G. Sutton	on behalf of Joint Debtor Maria Auxiliadora Rodriguez	dgs123@ptd.net
Dean G. Sutton	on behalf of Debtor Luis Alberto Rodriguez	dgs123@ptd.net
Denise E. Carlon	on behalf of Creditor	NATIONSTAR MORTGAGE LLC dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Marie-Ann Greenberg		magecf@magtrustee.com
Tammy L. Terrell	on behalf of Creditor	SELECT PORTFOLIO SERVICING, INC., as servicer for DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE, IN TRUST FOR REGISTERED HOLDERS OF LONG BEACH MORTGAGE LOAN TRUST 2006-11 ASSET-BACKED CERTIFICATES, bankruptcy@feinsuch.com

TOTAL: 5